

THE CALCUTTA JOURNAL

Vol. V.]

General Summary of News.

[No. 187.]

Vestry Question.—In giving to the Public the following Correspondence on the subject of the Vestry Question, it becomes necessary, advertizing to the length of time which has elapsed since our last publication on this question, to explain the causes of the delay which has taken place, and of a silence which we would fain hope has not been unobserved or regarded with indifference by the public-spirited of our fellow-citizens.

It will be in the recollection of our readers, that a Meeting of the General Vestry was desired by the ejected Sidesmen, in order that they might report to that Body (their Constituents) the injury which the rights of the Electors had sustained, through the violence of three of the Select Vestry: viz. Messrs. CORRIE, PARSON, and CRUTTENDEN; and with a view to concerting measures for recovery of the Elective Franchise from the hands of those who had usurped it, by seeking a remedy at Law in Equity, or by Petition to Parliament.

The persons unlawfully calling themselves a Select Vestry having contumeliously refused to notice the Letters or applications of the Sidesmen, although their request was in exact accordance with the provisions established in 1788, for calling General Vestry Meetings on particular occasions, it appeared that the salutary enactment in question for restraining the unlicensed power of the Select Vestry, by subjecting them to the correction and controul of occasional General Meetings, was in fact a dead letter; since the same thirst for power and resistance to lawful controul, which led the Select Vestry to usurp the functions of the Electors for years past, would always lead them to reject any requisition, however legal, for assembling the superior Meeting. The ejected Sidesmen had no resource but to solicit the Electors to meet them, for the purposes before stated, in the Town Hall. This was done in a Notice dated the 8th of June last, and published by us in the *Calcutta Journal* of the 14th of June.

The party in possession, extremely uneasy at this step, endeavoured to awaken alarm in other quarters, by insinuating that the Meeting announced, was in violation of the Order of the Court of Directors issued in 1806; at the same time, however, the bare apprehension of such a Meeting had the potent effect of forcing from the reluctant majority of the usurping Vestry a public defence of their conduct. This was dated on the 16th of June; and together with the attempts to cast odium on the Meeting, appeared in the *Government Gazette* of the 17th of June. The ejected Sidesmen published their Reply to the majority, dated on the same day, in the *Calcutta Journal* of the 18th of June, and at the same time shewed that they had announced to the Government their intention of calling together their Constituents several days before, and had received no intimation of disapproval: at the same time they deferred the Meeting for another week, to give further time for any declaration of dissatisfaction by Government, which, however unexpected by the Sidesmen, might be thought by others likely to follow the intimations in the Official or Government Gazette.

A few days before the announced Meeting, the subjoined Letter was received by the Messrs. Plowden, from Mr. Secretary Lushington, dated the 18th of June: the promptest obedience was shewn to the injunction, and a Notice, deferring the Meeting and dated the 23d June, was published on the same day in most of the Public Journals of the Presidency; but from respect to the high Authority in which the objection originated, no further notice was taken of the causes which led to the delay, or of the steps that were in progress to endeavour at removing the interdiction of Government, than simply to state the fact that a question of form had produced the delay.

On the 24th of June, the Messrs. Plowden addressed the subjoined Letter to Mr. Lushington, remonstrating against the prejudice which they and their cause would sustain, if the Court of Directors' Orders, heretofore construed to apply to *General and Political Meetings*, were in this solitary case taken to be applicable to a *General Vestry Meeting*, held at the Town Hall, only because the proper place and manner of Meeting were denied the Inhabitants by the pretended Select Vestry. The Reply to this humble Appeal, dated the 16th of July was received on the 18th, and is given below.

It confirmed the construction of the Court of Directors' Orders being unfavorable to the proposed Meeting, and adhered to the injunction that the desired Meeting should be formally called by the Sheriff. There could now be no further room for hesitation, and accordingly the Messrs. Plowden have addressed the requisition prescribed to the Sheriff, which appeared in the *Government Gazette* of the 9th September, and a copy of which we also give below, as forming part of the series of public documents on this subject.

The delay that has taken place between the receipt of Mr. Lushington's final Letter, and the summons, to the Sheriff, has arisen, we are aware, from the absence of the Messrs. PLOWDEN, and their inability to attend the Meeting sooner, under circumstances of a private and domestic nature, well known to their Friends and the Society in general.—They have properly evaded themselves of the first disposable moment to apprise their Constituents, the Inhabitants, of their recent Proceedings, and to prepare them for a full attendance at the Meeting which is to take place on Wednesday the 23d instant.

As we desire to give this Correspondence, and the consequent Notice, in a form that may admit of its being preserved—we present them in the order in which they follow:—

No. I.

To R. C. PLOWDEN, AND T. PLOWDEN, ESQs.

GENTLEMEN,

General Department.

A Notice having appeared under your Signatures, in several of the public Journals, inviting a Meeting at the Town Hall of all persons who would have attended a General Vestry, had such been convoked, I am directed to signify to you, that in conformity to the Orders of the Honorable the Court of Directors, the sanction of the Government for any Meeting of the Inhabitants of Calcutta, on questions of general interest, should previously be obtained through the regular channel of the Sheriff of Calcutta.

I am, Gentlemen, Your obedient servant,

C. LUSHINGTON, Sec. to the Govt.

Council Chamber, June 18, 1819.

No. II.

To C. LUSHINGTON, Esq. Secretary to Government,

SIR,

Public Department.

We had the honor to receive your Letter of the 18th Instant, yesterday. It is unnecessary we trust, for us to say, that prompt and implicit obedience shall of course be rendered by us to the intimation it contains of the opinion entertained by the Most Noble the Governor General in Council, as to the proper forms that should be observed in summoning the proposed meeting of the General Vestrymen of St. John's.

2. Before, however, we transmit the usual requisition to the Sheriff, we beg leave with the greatest respect to lay before Government, a brief statement of the steps we had taken, towards assembling a General Vestry Meeting; and the reasons which guided us in that procedure. Gratifying as it is, to our feelings, to gather from the tone of your Letter, that our immediate superiors have not been displeased at what we have done, although they considered another course more suitable, it behoves us as individuals in the Honorable East India Company's Service to satisfy the Honorable Court of Directors, that no violation of their Orders could have been contemplated by us, or by those of our constituents, in whose behalf we are acting. But we have another object in view by this Address; without presuming to the indelicacy of eulogizing the Government, under which we have the happiness to serve, we may be allowed to express our conviction, founded on experience and notoriety, that the Governor General in Council will readily and candidly listen to any arguments respectfully offered, even against his own decisions. We accordingly beg leave to shew cause, as well as we are able, why the attendance of our constituents solicited by us, (their representatives in the Select Vestry) does not apparently come under the description of meeting, which it is the practice of Government to consider, as requiring to be assembled by requisition to the Sheriff.

3. Our Letter to your Address of the 6th * May, put the Most Noble the Governor General in Council, in full possession of our views and intentions in regard to the questions at issue between the General Vestry and the persons claiming to be the lawful Selected Vestry. We trust His Lordship found in that exposition nothing derogatory to his high and respected authority; nothing unworthy of English Gentlemen temperately seeking redress against what they consider a wanton and unwarrantable usurpation of the ancient rights of a whole community, and a dereliction from those acknowledged just principles, that should govern all public Trust:—a dereliction too, that involves the hazard of much distress to the poor, and consequent insecurity to peace and property. In the Letter to which we refer, we mentioned our intention of carrying the question before His Majesty's Courts, and even if necessary before the King in Council, or Parliament, by Petition;—and the Governor General in Council, in not intimating any disapprobation of our proposed course of constitutional procedure, we presume saw no cause to discourage, perhaps even approved our endeavours. It could not have escaped His Lordship's attention, that individually, and unsupported, we were wholly unable to go through with those measures; the expense attending any of them in this country and at home, would have far exceeded our slender means, nor could our efforts, whether in the Courts, or as Petitioners, have any reasonable chance of success, unless, backed by the powerful support of the Vestry Electors, for whose violated privileges, we were to contend, against the small but obstinate party, who had the proverbial advantage of possession. As the struggle was in no respect personal to ourselves, the Governor General in Council will have perceived that it was an indispensable and primary feature in the contest, that we should be able

* Vide Calcutta Journal, June 18.

to give a decided and manifest proof, to the high Authorities, who were ultimately to judge between us, and our antagonists, of our possessing the decided support of a strong body among those constituents, in whose behalf alone we profess to act.

4. The first, and most obvious step, in our course was therefore to convoke a General Vestry, before whom we could lay our past proceedings, and by whose inclination our future line of conduct should be guided. With this view, we addressed the majority of the Select Vestry, in a Letter dated May 31st† (marked A appendix) requiring them to summon a General Vestry, under the forms laid down by the Governor General and Vestry 28th June 1787. To this no Reply whatever was deigned. After a reasonable time therefore, we resolved on soliciting the Members of the General Vestry to meet us at another place, agreeably to the warning we had given the majority of the Select Men; and we accordingly published the Notice‡ of the 8th instant (marked B) the following week; leaving ample time, before the Meeting; that we might not seem to take any one by surprise. Two days before the appointed day of assembling, which was to be the 19th, we learnt privately, as well as from anonymous publications, in the Government Gazette, that the opposite party was busily dissuading the General Vestrymen, from attending, by insinuations that such a Meeting as we contemplated, was in violation of the Honourable Court of Directors' Orders of July 1806, and by consequence disagreeable to Government. Although we were inclined at first to treat such reports with the contempt which their obvious motives deserved, we resolved to put it out of the power of any, to insinuate that the slightest notion of disrespect to Government or to our Honourable Superiors at home, could by any possibility have entered our imaginations. We therefore instantly postponed the Meeting for another week, in a Second Notice, dated the 17th instant, and published on the morning of the 18th§ of which we beg to offer a Copy (C in the appendix). Thus we happily anticipated the wishes of Government, expressed in your Letter of the 18th, but received only on the 19th.

5. It is fortunate that an opportunity is thus afforded us, of presenting to His Excellency the Governor General in Council, and to the Honourable Court of Directors, a record of the sentiments which actuated us from first to last, and which are principally manifested on the face of this Second Notice. We earnestly intreat His Lordship to peruse it. It contains nothing, of which we have to be ashamed, and it exhibited, we trust, the most satisfactory exculpation of us and our friends from the charge, if indeed such could be imagined, of disregard to the Honourable Court's Orders. In obedience to the unexpected intimation, contained in your Letter now acknowledged, we have lost no time in again directing a Third || Notice to be published, of which a Copy subjoined (marked D appendix) postponing the intended Meeting *sine die* depending a reference to the Governor General in Council through the Sheriff. Before concluding this part of our present Address, we beg leave to annex Copy of a Reply, which it has been considered proper that we should make to a Letter of the majority, signed by Messrs. Corrie, Crittendon, and Parson, and promulgated in the Government Gazette of the 17th. After the intimation in your Letter to us of the 22nd of April, that Government could not interfere authoritatively in our disputes, we should have kept to our expressed determination of not troubling the Governor General in Council any further; and we should have refrained from now transmitting these Documents (marked E and F appendix) but that the Letter of the majority above referred to, (B) is evidently calculated to give an impression, that the acts of the General Vestry at the election of Easter Monday, and our subsequent conduct in the Select Vestry of the following Thursday, bore the character of disrespect to Government. The charge is utterly groundless and absurd, but from its public shape it behoves us to report that charge, and we persuade ourselves that the Reply (F) will fully have the effect desired.

6. It remains only that we now endeavour to move His Excellency in Council to dispense with the formality of our calling the purposed Meeting through the Sheriff. His Lordship will not, we are assured, attribute our reluctance in this matter to any unworthy or improper motive, nor will it be supposed that any fear of difficulty or delay can be an obstacle, where the form is so easily gone through, and where we can have no apprehension of disappointment, from an impartial Government, acting, in the spirit which concludes the Court's injunctions of 1806. Our uneasiness springs from another cause; we are anxious to avoid raising the degree of alarm, or exciting the sort of opposition which we fear will follow, particularly at home, from the political character given to our Meeting, by the formalities of a Sheriff's Requisition. That these apprehensions at first seem ludicrous, we feel strongly; but that they are not altogether without foundation, is evident, from the malignant hints and allusions which have appeared, though in an unofficial form, in the Gazette which is employed by Government. His Lordship in Council is not to be reminded of the powerful effect, which such insinuations have too often had on the public mind; and we most anxiously wish, that our Vestry cause should be dissociated from all possible or conceivable connexion with Politics. Its real object is most simple; a comparatively small body of British subjects, forming one of many congregations of Christians in Calcutta, are anxious to recover the right of naming Trustees to their charities, which those delegated Trustees have wrested from their supineness. They are about to seek redress at law; or if that fail, from the legislature they meet to determine on the course to be followed, and to subscribe for its expenses. We respectfully ask what possible general interest can rightly be predicated of such an exclusively Parish affair, except indeed, that de-

gree of interest and sympathy which all disinterested men naturally feel in favor of effects made to resist the unlawful and unreasonable assumption of power, on the part of men who disdain responsibility and control. Our fastidiousness in regard to having the Honourable Court's prohibitory injunctions, made applicable to our Vestry case, is greatly increased by our recollection of the numerous public Meetings held of late years upon matters of far more general interest, and often of a Religious and Political character, to which the formality of Sheriff's Summons, has not been considered applicable, a formality indeed heretofore confined in practice to Meetings really and unquestionably Political, and having reference to the expression of opinions upon public men and measures. We beg leave to mention a few instances out of many now forgotten, in which we believe no such formality was thought necessary, though many of the Meetings were very numerous, and some involved questions of considerable delicacy. The Diocesan Society for promoting Christian knowledge, presided over by the Right Reverend Lord Bishop. The Bible Society. The Meeting to institute a Native College, at which the Chief Justice it is said took the chair. The School Book Society Meetings. The Leper Society. Waterloo meeting; and others, not necessary to be more particularly adverted to, but at which Members of Government or Secretaries have presided, or in which they have joined. We may also quote, the numerous Meetings at the Exchange, for various public purposes, the Saugor Island, Chowringhee Theatre, Conversazioni, Masonic, and other Meetings of very general interest; and as we have stated in our Address to the Public, those very Meetings of the General Vestry every year at Easter.

7. If these precedents, and our unfeigned anxiety, to escape the political imputations which we shall incur, by summoning a Meeting thro' the Sheriff, do not succeed in moving the Most Noble the Governor General in Council, to permit of our assembling our Constituents in our own way; perhaps, His Lordship will be persuaded to gratify our wishes, when we state our apprehensions, that this interposition of Government to alter the manner of our meeting, will be of considerable prejudice to our cause, in the eyes of the world, and to a certain degree unfavorable to its ultimate success. Your Letter will be studiously construed, we fear, into a manifestation of sentiments favorable to the conduct of our Opponents, and adverse to an endeavour to break down a system, which, late instances have given reason to suspect, has in point of fact led to some of those abuses (thro' carelessness and absence of salutary terror) into which it is so clearly prone to gravitate.

8. But if even this argument should fail us, we would beseech His Lordship in Council to issue an injunction to the persons exercising the functions of Select Vestrymen, that a General Vestry may regularly be called, to discuss the matters which we have to submit to them. Even a suggestion or hint to this effect would not fail of being attended to by those Gentlemen, as they profess to hold their very existence as a Vestry, on the tenure of your Letter of the 8th January, which they construe into an authoritative mandate, though you have declared it to be a mere suggestion, and on which they vindicate all acts, their violent ejection of us, and their disclaim of any elective right in the Congregation. We particularly beg to draw the attention of His Lordship to the fact, that their contemptuous refusal to call a General Vestry, under the provisions of 1787, is only to be defended on the same plea, that they are supported by Government, and accountable to no other power; yet, if any right is now clearly and generally admitted, than another, in all parochial, or municipal bodies, or in private associations and congregations, it is, that of the constituent body, having in some shape or other the means of lawfully and constitutionally assembling to express their sentiments, or take measures for the common good. This right appears to rest on the plainest principles of reason and equity; yet, to the Congregation of St. John's, though they contribute largely to the Poor, pay heavy surplice-fees, pew rents, &c. &c. and although the Church was erected, mainly, at their charge; this natural right is denied, and by a Vestry, to select whom they are annually convoked (in mockery it would seem) by public summons during divine service. This privilege, we beg His Lordship to observe, is unequivocally admitted in Lord Cornwallis's Constitution, the only one of which we know, and the forms of summoning the General Vestry are there pointed out; yet, when we claimed its exercise, surely upon no unimportant occasion, it appeared that so far from having the power to call a Vestry, we could not even ensure the slightest notice to our Requisition. We appeal to the Governor General in Council, with confidence, whether the right and means of calling a General Vestry, ought not to exist some where;—and as the present Ministers and Churchwardens shelter their denial of our right, under the plea of acknowledging no authority, but that of Government, we humbly solicit His Lordship in Council to interpose his authority, and to grant us that opportunity of lawfully meeting together at St. John's in formal Vestry, which we have all along desired; which we have vainly endeavoured to procure; for which our proposed Meeting at the Town Hall is but a substitute, dictated by necessity; and finally, which we can only obtain through the interposition of His Lordship in Council,—of whose desire to do the most rigid and impartial justice between the contending parties, notwithstanding the seeming contrary belief of our Opponents, we cannot suffer ourselves for a moment to doubt. The necessity for any convocation at the Town Hall, or elsewhere, will then be avoided, and we shall thus obtain that public access to the Vestry Records, essential to our cause, and which is now denied to us. Before concluding, we respectfully request His Excellency in Council to consider that many Lacs of Rupees, constituting the capital of the Vestry Fund, are at this moment under the exclusive controul of the present self-elected Select Vestry, consisting only of a few individuals, who, from the entire discontinuance of all the checks, constitutionally pro-

† Vide Calcutta Journal, June 11.

‡ Vide Calcutta Journal, June 18.

§ Vide Calcutta Journal, June 11.

|| Vide Calcutta Journal, June 22.

¶ Vide Calcutta Journal, June 29.

vided, are amenable only to their own consciences. It is far from our wish to doubt their purity, or to anticipate doubts of the honesty of such other persons as they may, with the unlimited liberty they enjoy, choose to appoint as their future colleagues; but it is a duty we owe our Constituents, to request that His Lordship will consider:—1st. If this large sum of Public Money has at present the protection, which legal and prudent caution should give;—2dly. If instances innumerable, are not every where on record of malversation, and dishonesty, in the highest departments of Public and Private Life; and whether such notorious facts ought not to serve as beacons to all mankind, to require from those they trust, the most formal and particular responsibility;—3dly. If this self-elected Vestry are supported, and maintained by the Government, in their power over the Vestry Funds, to the exclusion of public election, and in opposition to the wise and provident constitution of Earl Cornwallis, whether the authority that so supports them may not be considered hereafter responsible to the Poor for all defalcation in the Vestry Funds which may take place.

We have the honour to be, Sir,

Your most obedient Servant,

Calcutta, }
June 24, 1819. }

(Signed) R. C. PLOWDEN, }
T. PLOWDEN, } Sidesmen.

No. III.

To R. C. PLOWDEN, AND T. PLOWDEN, Esq. RS.

GENTLEMEN,

General Department.

I am directed to acknowledge the receipt of your letter of the 24th ultimo, with its enclosures, and to inform you, that the Governor General in Council continues to be of opinion, that the Meeting called by you comes under the description of those, for which the previous sanction of Government should be obtained through the Sheriff.

2. His Lordship in Council observes, that the Orders of the Court of Directors are not restricted to Meetings of a Political nature, but embrace all General Meetings of the Inhabitants of Calcutta. To invest an Assembly with that character it appears to His Lordship in Council sufficient that its purpose should be of considerable public moment, and be of a description to interest a great proportion of the British Inhabitants of the Settlement; and upon these principles the Meeting which you have convened falls clearly within the Regulation. If Assemblies have been held in violation of the Regulation which come equally within its scope, those instances were omissions which would not justify the Government in sanctioning a deviation in a case distinctly brought to its notice.

I am, Gentlemen, your obedient Servant,

C. LUSHINGTON, Sec. to the Govt.

Council Chamber, July 16, 1819.

In consequence of the sense thus expressed by Government of the propriety of calling the General Meeting proposed, through the regular channel of the Sheriff, the following Requisition was addressed:—

No. IV.

To P. MAITLAND, Esq. Sheriff of Calcutta.

SIR,

Having been violently and unlawfully ejected from our Offices, as Sidesmen of St. John's, by certain of our Colleagues:—

Having in vain endeavoured to obtain redress by applications to the Government, who had declined any authoritative interference in our case, and the usurping Vestry, who have ejected us, having obstinately persisted in neglecting to answer reiterated Letters:—

Having failed in our attempts to procure a Meeting of the Inhabitant Electors in General Vestry, to decide on the questions at issue between us, according to the Provisions of the only known Church Constitution, enacted by the Governor General in Vestry, on the 28th June, 1788:—

We, the Undersigned Sidesmen, lawfully elected by the Inhabitants at the General Vestry of last Easter, do hereby give Notice, and request that you will be pleased to call a Meeting of the Inhabitants, who have a right to attend and vote at General Vestries, under the Summons usually given out in Church every year at Easter.

Agreeably to the Orders of the Hon'ble Court of Directors, contained in their General Letter, dated the 1806, and published by the Governor General in Council on 1807, we have the honor to mention for the information of Government, the objects of the proposed Meeting.

1st. We desire to submit publicly and officially to the Electors, our Constituents, the grievous wrong they have sustained by the gross infringement of Public Rights, which attended our forcible ejection from the Vestry, as likewise and at the same time, the measures we pursued to redress this wrong.

2dly. We wish to lay before this Meeting the opinion of Council, and to determine under their instructions, on the legal measures to be taken towards redeeming the ancient Rights and Franchises of the Inhabitants, of which they have been practically deprived by the usurpation of their constituted Servants.

3dly. We wish to concert and devise the means of compelling all future Select Vestries, as well as the present, to produce and publish their Accounts, so long withheld; and thus by enforcing rigorous obedience to the salutary forms and checks, provided in the Church Charter aforesaid

to place the Funds and Charities, which have lately been at the uncontrolled disposal of the Select Vestry, beyond the hazard which must ever be incurred where no security is established for public property beyond that which precariously arises from the personal characters of a very few self-elected Individuals, however respectable in private life.

To anticipate any doubts on your part, which might spring from the unusual character of a Requisition signed by two persons only, and which refers to objects of a confined and local description, we think it advisable to annex for your persual and guidance, Copies of two Letters from the Secretary to Government in the Public Department. From these Vouchers you will gather, that the line of conduct which we now pursue, is in strict obedience to the orders and the opinion of Government confirmed after a respectful remonstrance on our parts against the first injunction to convoke our proposed Meeting, through you, as the proper channel.

The Requisition is of necessity signed by us alone, because we stand in the light of Servants of the Community, professing to shew the grievous wrong that Community, our Constituents, have sustained in our persons, their duly elected Representatives; and that high Authority to which, of course, we bow, has decided, that we cannot lawfully and formally communicate with, and make our appeal to our common Constituents, the inhabitant Electors, except thro' your intervention in this shape.

In regard to the time and place for the Meeting, they are matters of indifference to us; but to be precise, we suggest Wednesday, the 22d September next, and that the Assembly be convoked in St. John's Vestry Room or Church.

We had indeed proposed the Town Hall, and have no objection to that place now; the persons however, who are in possession of the functions of the Select Vestry, will probably grant the use of their Room or Church, at your request, or by order of Government, although it was not in our power to obtain the use of that public and evidently appropriate place for such occasions.

We are, Sir, your most obedient Servants,

(Signed) R. C. PLOWDEN, }
T. PLOWDEN, } Sidesmen of the Vestry.

No. V.

On the receipt of this Letter, an application was made by the Sheriff to the Government for permission to convene the required Meeting, to which the following Reply was returned:—

To P. MAITLAND, Esq. Sheriff of Calcutta.

SIR,

General Department.

I am directed to acknowledge the receipt of your Letter of the 1st instant, with its enclosure, and to inform you, that the Most Noble the Governor General in Council is pleased to sanction a Meeting of the Inhabitants of Calcutta, who may have a right to attend and vote at the Election of Vestrymen, on Wednesday the 22d instant.

I am, Sir, your obedient Servant,

C. LUSHINGTON, Sec. to the Govt.

Council Chamber, Sept. 3, 1819.

No. VI.

The last Document of a public nature, with which we have to present our Readers, is the Public Notice of the Sheriff, which has been published in all the Papers of the Settlement, with the two last Letters attached, in the following terms:—

PUBLIC NOTICE.

"In compliance with the following Requisition and Sanction of Government, I hereby give Notice, that a Meeting of the Inhabitants of Calcutta, as therein described, will be held at the Town Hall of Calcutta, on Wednesday, the 22nd Instant, at the hour of 10 o'clock in the Morning, for the purposes expressed in that Requisition.

P. MAITLAND, Sheriff."

Calcutta, September 6, 1819.

Military Query.

To the Editor of the Calcutta Journal.

SIR,

As your Journal appears to enjoy a large share of Military patronage; and has of late particularly been honoured by the discussion of Military subjects, from the pens of writers who oppose each other with admirable temper as well as talent, I take the liberty to propose the following Military Query, through the medium of your columns, under the hope that a satisfactory solution of it may be elicited from some one among your numerous readers:—

Query.—Whether the true spirit of Military Law, which TYTLER, one of the greatest authorities on this subject, says, is founded upon the Common Law of the Land, does or does not allow the privilege of "Challenging" to all Prisoners brought for Trial, before Courts Martial, whether they be General—Line—or Regimental ones? And if such a privilege be allowed, by the spirit of Military Law, in these higher Courts, upon what grounds can a Prisoner be denied this privilege, when brought to Trial before a minor Court?

Yours, &c.

AN ENQUIRER.

Sept. 10, 1819.

Brevet Rank.

To the Editor of the Calcutta Journal.

Sir,

I find by your Journal of Friday last, that the person styling himself A FRIEND TO THE ARMY, has appealed to my candour on the subject of certain misconceptions I laid to his charge, and I hasten to make the *amende honorable* by assuring him that I am quite persuaded they were unintentional on his part. He was so intent upon one point of his reasoning, that he overlooked the context of the passage referred to, and though the word *therefore*, in the part of it which he quotes, should have told him that there was an antecedent proposition, he pursued his own train of thought, and whilst I was talking of a selection for a particular service, he thought of nothing but selection for promotion; whereas promotion, as I before said, must depend upon the use which the individual so-selected makes of the opportunity afforded him.

The other inconsistency noticed in his Letter, depends entirely upon the comprehensiveness of our Military creed. I hold that every post, in action particularly, is a post of honour. When therefore, A FRIEND TO THE ARMY spoke in one place, of an Officer allowing himself to be absent from any service, because a younger man commanded, and in another, reprobated the idea of an Officer being allowed an opportunity of distinguishing himself, though not strictly in his tour, I own I thought him inconsistent; because, agreeably to his own terms, the *second* in the first case, would have as much reason to complain as he who should be *first* in the second case; both being deprived of their tour: I say *agreeably to his own terms*, because my creed gives the commanding Officer a discretionary power for the good of the service, and would by no means insist upon his sending a short-sighted man to reconnoitre, because he was senior: or a lame man at the head of the light infantry, for the same reason.

Whilst on the subject of misconception and inconsistency, allow me to remark, that a writer signing himself W. mistakes me when he supposes I asserted the truism he speaks of; I merely said that a Military man should be the last to assert the *contrary*: in more homely language, "It's a foolish bird that dirties its own nest." I am glad, however, he styles the saying a *truism*, for that was the very point I wished to get acknowledged, though it is a pity he should *so soon* afterwards have said, that by rewarding one deserving individual, I should "irritate the feelings and corrode the lives of hundreds." This, however, is not the only notable thing contained in what A FRIEND TO THE ARMY pronounces as good a Letter as any he has seen on the subject; for the writer, after inveighing against the partiality of ordering a friend or favourite on command out of his proper tour, confesses in the very next sentence that "a man may be brave and yet be incapable of detached duty at the head of even a single company" *Quare*. How should we settle the roster in this instance?

But let us have done with this list of *errata*. I should be sorry indeed if my youth and impetuosity should at all impair the force of my reasoning; and though I may be blamed for ambitiously soaring beyond Interpreters and Barrackmasters, yet I hope to persuade this Champion of Seniority that the introduction of Brevet promotion would, in truth, not be so dreadful a calamity as he imagines. His objections are threefold: first, it is contrary to established usage; secondly, not according to the wishes of the Army; and, thirdly, it would be liable to much abuse.

Now the *first* objection, though it may afford a summary reason for quashing all enquiry, can be of no use whatever in trying the merits of a specific proposition. If it could, then to challenge discussion is to enter upon a work of supererogation, for, it being admitted on all sides that the point contended for, is contrary to established usage, the proposition becomes identical, and may be stated in the following manner. The regulations now in force are preferable to those which you recommend. In what respect are they so? Because they are the regulations now in force. The objection therefore proves nothing, and can avail my Opponent nothing in the discussion.

The *second* objection is alike destitute of foundation. Fully impressed with the conviction that his opinions are correct, he easily persuades himself that they are the opinions of the whole Army; his signature is adopted upon this assumption, though I dare say if I were to style myself 'A FRIEND TO THE ARMY' he would exclaim against it as a most egregious tautology. It is in fact a begging of the question; a retaining fee to all those whose opinions are undecided. I, however, most fully accord him the credit of perfect sincerity in his endeavours to serve his professional brethren; but, though I must stoutly support my claim to a full participation on the score of motive, I can never admit, that, even if the point of preference were settled, it could have more than a very slight effect upon the question under discussion. This point, however, is so far from being settled, that my Opponent allows it would be a difficult matter to adjust it; this second objection therefore is a simple assertion without proof, and consequently not good in argument.

On the *third* point, therefore, the whole of my Opponent's reasoning must ultimately rest; and it was to this, that I chiefly referred in my first address to you on the subject under discussion.

It is not my design to indulge you with a repetition of the whole of my arguments, but I am really desirous that A FRIEND TO THE ARMY should clearly apprehend the distinction between the act of serving an individual by giving him a Staff situation, and by promoting him by Brevet. In the distribution of Patronage he does not seem to expect much impartiality

from any Government; but however jealous in this respect, he must be aware that a promotion could not be made without some ostensible reason; whereas a Staff situation is usually filled up by the ordinary operation of interest, or official routine, without any body caring to enquire what were the merits which recommended the individual appointed. The one, in fact, is the act of appointing to a vacancy that must be filled by somebody—the other, on the contrary, is a new creation, which in the preamble of the act itself, would declare the reason for its being resolved on. I am sure your Correspondent will in candour allow, that whatever temptation there may be to misapply Patronage in general, there would be less risk of such abuse of it in this line, than in any other—and that if an Officer who possessed interest should have the hazardous presumption to shew that he had merit also, we should contentedly put up with his success, in favour of the individual who had nothing but threadbare merit to recommend him. One instance of the latter description would redeem a multitude of errors on the opposite side.

Allowing therefore that there is—or that there may be—little probability that the privilege contended for will be greatly abused, I am not without hope that your Correspondent, who has the welfare of the Army so sincerely at heart, may be brought to concede, that the comparatively few inconveniences attending it should give way before the great, the charitable boon that would be conferred, by establishing a scale of permanent and honorable rewards for all those who have activity and enterprise enough to compete for them, but which mere interest could never hope to attain.

Much has been said concerning the hardship of supercession, but I think not with sufficient reason. I am perfectly willing to admit that an Officer may pass through all the grades of a Military career in a very creditable manner, without performing one brilliant action, or ever incurring the responsibility of an important post. But the rewards due to extraordinary merit, do by no means derogate from his reputation. Every man who toils patiently in his vocation, renders a proportional benefit to Society and to the State—he performs a certain service and is paid for it at the stipulated rate; but so long as he is not deprived of the accustomed remuneration, he can have no reason to complain, that another who performs more than the task assigned, should earn a greater compensation. It is true he may regret that no opportunity of exerting himself occurred,—that, in short, the trade was less brisk in his quarter than in that of his more fortunate competitor; but, whilst we sincerely sympathise with him, we are enlivened by the hope, that the man who can feel in this manner will, sooner or later, gain the opportunity denied, and, at any rate, he is a very different kind of personage from him who would peremptorily reduce all kinds of service to one common level, and to one common reward.

Having thus pioneered away a good quantity of the rubbish that lay before me, I could regale you with I don't know how many pages of delightful anticipation; sure such a field of warlike reverie was never presented to the imagination of a true son of Mars, but I dare not indulge myself; the cold severity of our Friend's mode of reasoning, the way in which he speaks of Chivalry and Knights errant, (I shrewdly suspect he meant *arrant* Knights) Knights Banneret, and Knights of all kinds, is quite sufficient to crush my rising ardour in the war of controversy. Aspiring therefore to no distinction, but that of having endeavoured to soften him in favour of the quiet, unassuming, hardworking man of merit, let me hope that a 'A FRIEND TO THE ARMY' will not be displeased at the part taken in this contest by

Your's, &c.

Barrackpore. }
Sept. 12, 1819. }

A SOLDIER OF FORTUNE.

Indian Postage.

To the Editor of the Calcutta Journal.

Sir,

As it is incumbent on those who have been sufferers by the irregular and inconsistent assessments levied on Indian Correspondence to make such public, with a distant view that some of the numerous Letters that have been peened on the subject in this country may attract the attention of those who are able to remedy the evils complained of, I request you will give insertion in your valuable Journal, to the following statement.

Two Europe Letters were received by me on the 14th instant, by the ships Grenville and Surry, one assessed 3s. 6d. as a single Letter, by the former ship, the other 2s. 4d. as a double Letter. As these are both Company's Ships, and consequently liable to detention as the interest of their employers may suit, I wish to ask, why a greater assessment by one third should have been levied for a *single* Letter, than was levied on the *double* one, as a ship sailing under the above restrictions ought not in fairness to be considered a Packet Mail.

Your's obediently,

Sept. 8, 1819.

A SUBSCRIBER.

Having given to our Readers the leading Debates of great public interest that reached us by the last arrival; we resume the chain of succession thus interrupted, to be followed up in as regular order, as the pressure of local intelligence will admit of.

Imperial Parliament.

HOUSE OF COMMONS.—TUESDAY, MARCH 16.

JUDICIAL SYSTEM IN INDIA.

Mr. HUME rose to submit to the house his promised motion, for a return of papers relative to, and declaratory of, the judicial system at present pursued in India. In a subject of so much general importance, he thought he should act wisely to offer one or two observations in explanation, as he was anxious that the house should clearly understand the nature of that system. He should begin by declaring, that the whole of our judicial system in India had been very much misrepresented. In this country we had been completely in the dark as to the deplorable state of jurisprudence in India, both civil and criminal, and as to the state of the police there. The documents he should now move for, as well as other documents in his own private possession, were connected with a subject which nearly concerned the welfare of no less than from 70,000,000 to 80,000,000 of souls. Yet, upon these important matters, the public now were, as they had been for the last 20 years past, in a state of profound ignorance. Civil justice was, in fact, virtually denied to suitors; those very suitors were obliged to pay the government, on the amounts claimed by them, from 50 down to 7 and 6 per cent. This he was able to declare, not from any official documents or other papers obtained by him from the East India Company, but from their own regulations of the year 1814—regulations, in which the house would find with astonishment, that a fine is to be levied on the value sued for, decreasing as the amount increases, from 50 down to 1 per cent. That astonishment would be much increased, when he stated that every document requisite to the progress of a suit, the citations, examinations, and depositions of witnesses, &c. were all to be written, every sheet of them, upon stamped paper; thereby increasing these heavy expenses to an enormous total; those expenses, under the native princes, never exceeded 25 per cent. on the amount claimed. This, then, was almost a virtual denial of justice altogether. (hear) The consequence of these unreasonable disbursements was, that for years together suitors were unable to obtain justice; and it was stated in the documents already on the table, that in the course of a long life, a man could scarcely expect to see any determination of suits commenced in Asia. The consequence of all this had been an increase of crime, enormous and such as that house was little prepared to learn. (hear) The depravity of the inhabitants of Bengal, in particular, had exceeded all bound. He blamed no individual; it was the system under which such abuses existed, of which he complained. When the house understood that the extensive system of the late Lord Cornwallis, enacted in 1792, prevailed in one part of India, while in another it was altered and disfigured so that throughout those extensive dominions there was neither uniformity of law, nor uniformity in its operation, he hoped the house would feel how necessary it was to consider of a remedy for such alarming evils. (hear) He should therefore move "that there be laid before the house copies or extracts of the reports of the proceedings separately, of the several Presidencies of India, declaratory of the administration of justice, relative to criminal and other prosecutions, from the year 1810 down to the present time."

Mr. CANNING said, that as the hon. gentleman's motion seemed to have been made merely for the purpose of obtaining information, he would trouble the house with a few words. It was undoubtedly true, as that hon. gent. had stated, that much difference and controversy had existed; not as to the judicial system attempted to be introduced into India, because that was modelled upon our own, and such emendations had been engrafted upon it as local circumstances were thought to require; but as to the adaptation of that system to that particular country, were his own opinion to be asked upon this subject, he should not, undoubtedly, draw so highly a coloured picture as the hon. gent. had done; but he should rather say, that the benevolent intentions of Lord Cornwallis had been in many instances frustrated. If some evils had flowed from that system, he was by no means prepared to say that no good had been effected by it. It should be remembered, that it was a system sanctioned by his name, and by the approbation of that house; and as the emanation of so great and luminous a mind, it ought at least to be approached with some degree of hesitation and respect. (hear) Of the several motions which the hon. gent. had purposed to make, and which he did him (Mr. Canning) the honour to transmit to him some time ago, he had selected four which he thought would be found to answer his object best; and the papers required by these, even, would be so voluminous, that he was sure the day proposed for the discussion of the subject would prove to be a very distant one. (a laugh) If indeed, he (Mr. Canning) had any inclination to be malicious, he would accede to the hon. gentleman's motion for the return of all the papers; for, in that case, he was certain the day would never come at all. (a laugh) He thought, therefore, that the returns required by the 1st, 4th, 6th, and 7th motions on the hon. gentleman's list would be very proper.

Lord MORPETH considered the motion now submitted to the house as one intended to confer the best benefit on an extended population, viz. a just administration of the law: with this benefit they were at present entirely unacquainted; and India presented a melancholy scene in consequence. It was impossible that the house should not enter into the views of the hon. mover. For himself, it was his decided opinion, that however extensive our territorial dominions in Hindostan might be, however we might have subdued faction and revolt, however we might have crushed a formidable confederacy of Mahratta Princes, and now ranged those predatory and feudatory chiefs under our own banners; yet our best security and our firmest empire was to be established in the affections and attachment of the native population; and those could only be acquired by making them see that equity and protection were the principles of our jurisprudence. (hear.)

Sir WILLIAM BURROUGHS, in a speech of some length, observed, that in considering the defects of the judicial system of Lord Cornwallis, promulgated in 1792, it was necessary to take into consideration the inevitable difficulties attending its operation, the enormous population inhabiting the country, the variety of their nations, customs, habits and prejudices. The population of Calcutta, for instance, was estimated at 800,000 souls; these consisted of Hindoos, Jews, Mahometans, Chinese, Arabs and Europeans; and he left the house to judge of the conflicting interest and customs, the system would have to contend with. He should however, be happy to assist the prosecution of the subject.

Mr. HUME spoke in reply: and begged to call the attention of the house particularly to the police in India. Persons were frequently taken up, and months elapsed before any information was exhibited against them. In the interval, they were confined in crowded and unhealthy prisons, where death not unfrequently overtook them, or, after enduring the aggravated misery of imprisonment, nothing whatever appeared against them, and they were liberated. The whole system of police at Bengal was conducted by a set of spies, who were generally composed of bands of robbers; these, when once discharged, were let loose to ravage the surrounding country. By a misdeed of the Bengal government, dated the 24th of November, 1810, it appeared that the profession of a spy, in India, took its rise upon the order issued in 1792 for the encouragement of head-money. Every police-office had its regular and organized set of spies who shared the reward or head-money with the chief of the Decoits, (a species of robbers.) Much had been said by an hon. member (Sir W. Burroughs) as to the economy observed in the appointment of legal men in India, affecting the administration of justice. So far from there being any thing like economy in this respect, the whole of Europe, put together, was at less expence for law officers than India alone. (hear.) The whole revenue of India was estimated at 11,000,000; the charges of the law altogether were no less than 1,785,000, sterling, about one-eleventh of that revenue. (hear.)

Mr. HUTCHINSON expressed his concurrence in what had fallen from the hon. member who had spoken last. On so momentous a subject, involving the happiness of 60,000,000 of people under the dominion of Great Britain, he trusted parliament would legislate carefully and impartially. Its novelty added to the importance it intrinsically possessed.

Mr. CANNING observed, that he could assure the honourable gentleman, that it was not the first time the subject had been under consideration; it might be called the daily food of those whose duty it was to superintend the police, and to improve the internal condition of our East India provinces. But a controversy did still subsist between a very able man, whether the system of British jurisprudence, which had been transplanted there with the best intentions, was adapted to the wants, the habits, and the interests of the natives. With his limited experience, he could scarcely say what was the inclination of his own mind respecting it, much less could he, although it had been the subject of his anxious study, express a confident opinion, where there was the authority of Lord Cornwallis on one side, and that of a distinguished successor on the other. But it equally balanced in other respects, still it was evident that the latter had the advantage of experience to set against the prospective benevolence with which the system was introduced. Under the chief-justiceship of Sir E. East, however, many difficulties in practice had been removed, and some points of difference set at rest. He had not meant to throw any blame on the hon. gent. but merely to state for his satisfaction, that he had selected such papers from the mass that would otherwise have incumbered this subject, as appeared to him to put it into a more practical shape, as might be more speedily produced, and might be more accessible to the understandings of those whose who had not hitherto applied their attention to Indian affairs. If they were not so complete as the hon. gent. might wish, he should be happy to come to an adjustment with him in private, with a view of furnishing satisfactory information. He did not apprehend that the subject would be ripe for being referred to a committee during the present session, but he looked forward with hope that it would be in its state for consideration in the course of the next.

The following returns and papers were then ordered to be produced:—Copies of all despatches to the Court of Directors touching the administration of civil and criminal justice in India, from the year 1810, to the present period; an account of the expense of the judicial and police establishments in Bengal, Behar, and Orissa, from the year 1792 to the latest period, at which, it could be made up; and an account of the expense of his Majesty's Courts at the different Presidencies.

MARCH 17, 1819.

MARRIAGE ACT.

Dr. PHILLIMORE, in pursuance of notice, rose to ask for leave to bring in a bill to amend the 26th Geo. III, commonly called the marriage act. He observed, that as he had introduced the measures last year with the full approbation of the house, it would be unnecessary for him to do more than state the outline of it. It related to the marriages of infants.—1, by licence; 2, by banns. The house was aware that, by the existing law, the marriage of a minor by licence without consent, was at all times absolutely void, even after the lapse of many years; the Court had no discretion, and most distressing cases sometimes occurred, where parties even sought to avail themselves of their own perjury, to free themselves from the connexion they had formed. The remedy for this was extremely simple; it was to limit the period for the avoidance of the marriage by parents or guardians, to the minority of the party, and where the party himself sought relief to one year after the celebration of the marriage: after this time had elapsed, it ought not to be disturbed. With respect to the marriage of infants by banns, it was generally considered that that formality was a proclamation; but in so large a city as London, it was impossible that it could be effectual, where banns might be put up in a distant and obscure situation. The hon. member meant, that the same limitation as to time should apply in this case as in the former, and that an actual residence of one fortnight should be necessary in the parish where the banns were published.—Leave was then given.

THURSDAY, MARCH 18.

JUNIOR LORDS OF THE ADMIRALTY.

Sir MATTHEW RIDLEY made some remarks on the unwillingness of Ministers to relinquish any of their patronage, however necessary to economy. He did not complain that no reductions had been made; for the Admiralty had dismissed half their clerks; but that they clung with such tenacity to every part of their patronage. The diminution of the business of the Board was proved by that very reduction of the clerks, as well as by this circumstance, that the number of days on which the Board used to sit was altered from five to three per week. In 1797, we had a thousand ships in commission; at present we had 137; and yet there were the same number of Lords of the Admiralty. As there were no complaints at that time that the Junior Lords were too few, it was a fair inference

that they were now too many. The Admiralty had made great reductions: indeed they had carried them too far. He deprecated the preference shown for another service. It would be a difficult thing, on an emergency, to collect together the vast number of brave men scattered up and down the country; but the case was very different with respect to those useful and indispensable characters, the Junior Lords—(A laugh)—who could be procured whenever they were wanted. As another instance of the care which Ministers took, when they made any retrenchment, not to diminish their parliamentary or other influence, he would mention, that, when a reduction of the Chaplains of the Navy was talked of, three of the senior Chaplains were recommended to be kept on the establishment for harbour duty; and if he was not much misinformed, the Rev. Gentleman who was appointed at Portsmouth had been promoted from no regard to his public service. The interest of the Rev. Gentleman, he was told, had contributed much to the return of one of the present Members. He supposed, that some Hon. Gentleman opposite would show how necessary the Admiralty was, as a nursery for young seamen. That assertion had been often refuted. One argument against the reduction was, that it was necessary that three Lords should affix their names to documents; but the number could easily be altered to two. It had been said too, that it was necessary to have a board for going round to the out-ports, and that therefore a sufficient number must exist to allow of such a detachment. In time of peace, when we were not constructing a navy, such an ambulatory board was unnecessary; and, supposing it were, it should not be composed of those who were sent for the benefit of their education to this nursery for young statesmen. (Hear, hear!) He thought, that the Board ought to consist of the First Lord and two sea-Lords, to transact the business out of doors, and one lay-Lord, to be present in Parliament. The Hon. Baronet, amidst loud cheers, concluded by proposing, that an address be presented to the Regent, praying that he might give directions that the commissioners of the Board of Admiralty may be reduced to such number as the exigencies of the public service required.

Sir G. COCKBURN denied, that the Revd. Gentleman alluded to had been recommended as Chaplain on any political grounds. He then proceeded to contend, that the public business of the Board was not so much reduced as might at first appear, because, in time of war, a great part of its business was transacted through the medium of 12 Admirals, who now did no such duty. The professional Lords were fully employed, and though he admitted that the lay-Lords were not, yet they were necessary to assist in the business, and to lessen the responsibility of their colleagues.

Mr. CALCRAFT thought that, according to Sir G. Cockburn's own statement, the business of the Board must be decreased, as it had diminished the number and services of those whom it superintended. If the other side should use their former argument, that it was a nursery for statesmen, he would reply, that the Government had already too many places for such education.

After some remarks from Mr. GRAHAM and Lord JOHN RUSSELL, in favour of the motion, the House divided—For the motion, 164—Against it, 245—Majority, 81.—Adjourned.

FRIDAY, MARCH 19.

ABOLITION OF TRIAL BY BATTLE.

Sir F. BURDETT said, that the Attorney-General's bill professed to do away the trial by battle, but it also abolished the right of appeal, two things which were perfectly distinct. He was aware of the objection which would be made to the appeal, that it exposed persons to a second trial for the same offence; but he conceived, that in the case of murder, the appeal ought to be allowed, because it went to check the illegal exercise of the power of the crown in pardoning criminals. The Hon. Baronet then cited several instances of scandalous abuse of the prerogative of mercy in the present reign, which he contended ought to be guarded against. He moved the re-commitment of the bill.

Mr. SARGENT COPELEY argued, that the appeal of murder might be used for purpose of private malice; that it took away the claim of a peer to a trial by his peers; and that the prerogative of pardoning ought not to be touched.

Sir F. BURDETT, in reply, maintained, that the power of the Crown to pardon had been expressly taken away by statute in certain cases, on account of some abuses in its exercise.

The ATTORNEY-GENERAL must confess his total ignorance of any statute taking away the power of the Crown to pardon; he was sure it did not exist.

Sir F. BURDETT read the words of a statute, which expressly provided that the King shall only grant pardons "in cases where the King may do it by his oath." He hoped that the learned gentleman would be a little more cautious in his contradictions in future.

A division took place—For the re-commitment, 4—Against it, 86—Majority, 82.—Adjourned.

MONDAY, MARCH 22.

TRIAL BY BATTLE AND LAW OF APPEAL.

The ATTORNEY GENERAL moved the third reading of the Bill for the abolition of Trial by Battle and the Law of Appeal.

Sir R. WILSON objected to the taking away the protection afforded to the subject by the Law of Appeal against the undue exercise of the prerogative of mercy. He moved, as an amendment, that the Bill should be read again in three months.

On a division, the original motion was carried by a majority of 61 against 2.—Adjourned.

TUESDAY, MARCH 23.

NEW SOUTH WALES.

Mr. BROUGHAM said, that he had been requested to present a Petition from two individuals named Blake and Williams, complaining of the conduct of General M'Quarrie, the Governor of New South Wales. He had made enquiries respecting the Petitioners, and believed them to be worthy of credit. For his own part, he thought the offences charged against Gen. M'Quarrie were to be attributed in a great measure to the system and peculiar circumstances of the colony. The Petitioners charged the Governor with having arbitrarily administered

the law, particularly in levying taxes to the amount of 24,000*l.* a year without any warrant. Indeed the Crown could give no authority to levy taxes except in a conquered country. The chief ground of complaint, however, was that the Governor had granted exemptions to his friends and dependants. Blake had petitioned two years ago; and he stated, that he, a free settler, and two convicts, had been handed over to the common hangman to receive 25 lashes for passing over a piece of ground which the Governor had enclosed with a fence. This was a mere trespass by the laws of this country, and it was difficult to see how Governor M'Quarrie made it otherwise by the laws of Botany Bay. This accusation was brought to the knowledge of Ministers two years ago, and they had time to inquire whether the statement was or was not exaggerated; if no contradiction was given, it would go far in confirmation. Williams, the other Petitioner, had been a printer at the Cape of Good Hope; but being desirous of quitting it, he had obtained permission from Lord Bathurst, with a promise of a grant of land in New South Wales; and on his arrival in New South Wales, obtained employment in the Government printing office. He was one of those who signed Blake's former Petition, in consequence of which, the Governor sent to his employer to order him to be turned out of the office. On these accounts the Petitioners solicited redress. This was a fit time for inquiry, when the Governor appeared to be entering into a wrong course. He thought, that charges which would justify a parliamentary inquiry, would justify his recall. The individual complained of, it might be said, was absent: that was his misfortune. As long as he continued to be Governor or remained in the island, the Petitioners could not bring their action: their only means of obtaining redress was therefore to apply to Parliament. He moved that the Petition should be brought up.—The Petition was brought up and ordered to be printed.

Mr. MONEY expressed his surprise at hearing such charges against General M'Quarrie, to whose former good character he bore testimony. The friends of the Governor, as well as the lovers of justice, must be anxious for the strictest inquiry.

Mr. FORBES joined in the wish for inquiry. The Hon. Gentleman mentioned an instance of the Governor's impartiality. A vessel, entirely laden with spirits, had come into port, and was obliged to return without unloading; though it was partly owned by persons very intimate with the Governor. When General M'Quarrie first went out, there was a regulation prohibiting all persons who had been convicts, from practising as barristers or attorneys, he abolished this regulation, and the measure was approved of by Ministers.

Mr. WILBERFORCE had known General M'Quarrie before he went out, and had thought very highly of him. At the same time, he must be almost more than human, if he could be in possession of an absolute authority without being influenced by that dangerous gift. The commission about to be sent out consisted of one person only; he thought it would be almost an impossible task for that person, after being received by the authorities in New South Wales with proper respect, to decide at once on the real state of the case, in matters about which different statements were made. The House would be shocked to hear of the state of the female convicts in the Island, who were wandering about literally without food or shelter, and compelled to subsist by prostitution! They actually applied to the magistrates, expressing their detestation of their mode of life. The call for investigation was urgent and irresistible.

Mr. GOULBURN said, that they were all agreed as to the necessity of inquiry, and the only difference was respecting the mode of conducting it. As to the distinction made between convicts and free settlers, it must be obvious, that the restrictions on the latter, in such a state of society, must be greater than in other settlements; they could not be allowed to excite the passions or administer to the vices of the former. With respect to the infliction of corporal punishments, that practice had been stated in a Report to the House some time ago, and not having been then reprobated, the Governor had thought himself justified in continuing it. The system of taxation rested upon acknowledged custom, and had been sanctioned by the opinion of the law officers.

Mr. BENNET declared, that the Committee had heard of the Ordinance allowing the infliction of 500 lashes with the feelings which became them. No power but that of an Act of Parliament could confer such an authority. The system of taxation was most illegal. He approved of a tax on spirits, but why was not a proper authority procured for levying it? If there had been a council in New South Wales, none of these accusations would have been made.

Mr. BROUGHAM, in reply, observed, that it was indisputable that the common law of England was the common law of her colonies.—The Petition was laid on the table.

GAME LAWS.

Return to an Address of the House of Commons to His Royal Highness the Prince Regent, for a Return of the Number of Persons in Custody, in England and Wales, for offences against the Game Laws:—

Directions in pursuance of the foregoing Address, have been given to the Keepers of the different Prisons in England and Wales; and from the Returns which have been received from them it appears, that, on the 28th of January last, in 186 of the prisons, there was no person in custody for any offence against the Game Laws; and that, in 75 prisons, there were then in custody for such offences. 522
Of whom there had been committed under the Act, 57 Geo. III. cap. 90. 99

Of the latter number, the Sentence	
Of Transportation, for 7 Years, was passed upon	19
Of Imprisonment, for 2 Years, upon	20
18 Months	6
1 Year, or 12 Months	23
6 Months	12
3 Months	5
2 Months	2
And there remained for Trial	23

Whitehall, February 26, 1819.

H. HOBHOUSE.

Military.

General Orders, by His Excellency the Most Noble the Governor General in Council.
FORT WILLIAM, August 28, 1819.

Ordered, that the following Extract of a General Letter from the Honorable the Court of Directors in the Military Department, be published in General Orders.

General Letter, dated April 20, 1819.

PARA. 2.—We have permitted Brevet Captain and Captain Lieutenant John B. Pratt to return to his Rank on your Establishment.

In conformity to instructions from the Honorable the Court of Directors, the Most Noble the Governor General in Council is pleased to notify in General Orders, that Officers on the Invalid or Pension Establishment will be considered entitled to Furlough, in the same manner, and subject to the same Rules and Regulations, as effective Officers.

W. CASEMENT, Lieut. Col. Sec. to Govt. Mil. Dept.

General Orders, by the Commander in Chief. Head-quarters, Calcutta; September 10, 1819.

Officers are posted to Regiments and Battalions as follows:

Artillery.

Lieutenant Colonel R. Hetzley is removed from the 1st to the 2d Battalion.

Lieutenant Colonel C. Brown is posted to the 1st Battalion.

Major J. Ahmuty is removed from the 2d to the 1st Battalion.

Major G. Swiney is posted to the 2d Battalion.

Captain W. G. Walcott is posted to the 2d Company 4th Battalion.

Captain C. H. Bell is removed from the 2d Company 3d Battalion to the 4th Company 1st Battalion, vice J. Pereira from the latter to the former.

Lieutenant E. Watts is removed from the 2d Company 3d Battalion to the 3d Company 1st Battalion, vice J. Buck from the latter to the former.

Lieutenant Colonel Hetzler will repair to Agra, when the weather permits, and assume the Command of the 2d Battalion.

Major Ahmuty will repair to Saugor and take the Command of the Artillery at that Station.

Cavalry.

Lieutenant Colonel Elliott, C. B. to the 3d Regiment.

Lieutenant Colonel W. D. Knox to the 8th Regiment.

Infantry.

Colonel Jas. Dun (Lieutenant General) to the 15th Regiment, vice Sir J. Macdonald.

Colonel Jas. Morris (Lieutenant General) to the 17th Regiment, vice Dun.

Colonel Jas. Tetley (new promotion) to the 4th Regiment, vice Morris.

Lieutenant Colonel R. Patton, C. B. (new promotion) to the 2d Battalion 5th Regiment.

Lieutenant Colonel A. Hennessy from the 2d Battalion 5th Regiment to the 1st Battalion 4th, vice Tetley.

Lieutenant Colonel Greenstreet from the 2d Battalion 15th to the 2d Battalion 30th, vice Weston.

Lieutenant Colonel Perkins (new promotion) to the 2d Battalion 15th, vice Greenstreet.

5th Regiment Native Infantry.

1st Battalion, ———, 2d Battalion, Major Huthwaite.

12th Regiment Native Infantry.

1st Battalion, ———, 2d Battalion, Captain Gale, and Captain Moore.

29th Regiment Native Infantry.

1st Battalion, Major Delamain, 2d Battalion, Captain Morrison.

The leave of absence granted by General Orders of the 5th April 1819 to Lieutenant and Adjutant H. Barnitt, 2d Battalion 23d Regiment Native Infantry, is to commence from the 9th June, that being the date of that Officer's leaving his Corps, instead of the 15th May as therein specified.

Gunner Goulding, of Artillery Invalids at Chunar, having been examined by the Annual Medical Committee at that Station, and reported fit for Field duty, is directed to rejoin the Regiment of Artillery, and remanded to the 2d Company 2d Battalion at Kurnaul.

A Native General Court Martial is to assemble in Fort William on or after the 14th Instant, for the trial of Mahomed Jrenah, Serang, attached to the Arsenal, and such other Prisoners as may be brought before it.

Captain Young, Deputy Judge Advocate General, will conduct the Proceedings.

The Prisoner to be warned, and all Evidences directed to attend.

The General Officer Commanding at the Presidency will be pleased to issue the necessary orders for the formation of the Court.

The undermentioned Officer has leave of absence:

Surgeon J. Law, Medical Staff, to visit the Presidency on urgent private affairs, from the 1st November to 1st May 1820.

J. NICOL, Adj. Gen. of the Army.

Fort William, General Department, August 20, 1819.

The Honorable the Court of Directors having in their recent dispatches, noticed with expressions of displeasure the conduct of certain Individuals, residing under the protection of a subordinate Presidency, in having been concerned in the management of some Commercial speculations, illegally prosecuted by a Civil Servant of the Company; the Governor General in Council obeys the commands of the Honourable Court in announcing the penalty, which will attach to such associations in future.

Although the Governor General in Council entertains a confident persuasion, that the instances of such inconsiderate encouragement of unlawful speculations must be of the most rare occurrence, His Excellency in Council is nevertheless, under the necessity of signifying to the Public, that the protection of the Honorable Company will be withdrawn from any person, who may henceforth be discovered to have aided and abetted Commercial transactions on the part of the Civil Servants not employed in the Commercial Department, or otherwise authorized to trade.

By order of His Excellency the Most Noble the Governor General in Council.

C. LUSHINGTON, Sec. to the Govt.

Domestic Occurrences.

MARRIAGES.

On the 11th instant, Thomas Boulton, Esq. of the firm of Richardson and Boulton, to Miss Sarah Densdale.

On the 13th instant, at the Cathedral, by the Reverend Mr. Parsons, T. V. Newton, Esq. to Miss Anne Lumsdaine, Daughter of James Lumsdaine, Esq. of the Honorable Company's Service, Bencoolen.

At Madras, Serjeant Major William Carson, Horse Artillery, to Mrs. Eliza Hope, of the Egmore Male Asylum.

BIRTHS.

At Shah Jehanpore, near Bareilly, on the 25th ultimo, the Lady of M. T. Whish, Esq. of Twins.

At Madras, on the 16th ultimo, the Lady of A. Mackenzie, Esq. Surgeon of His Majesty's 69th Regiment, of a Son.

On the 1st instant, Mrs. J. Isabella D'Agular, of a Son.

On the 31st August, the Lady of C. A. Catchick, Esq. of a Daughter.

DEATHS.

At Dinapore, on the 27th August, Troop Quarter Master P. Gillis, late of His Majesty's 24th Regiment of Light Dragoons. By his death, and the departure of the Regiment for Europe, a truly deserving Woman and four helpless female Orphans, are deplorably destitute of all present support.

At Hoshungabad, on the 8th August, of a fever, Serjeant Major Thomas Noble, 1st Battalion 2d Regiment—and his two eldest Children.

At Colombo, on the 26th July, Assistant Surgeon Robert Thio, M. D. of His Majesty's 2d Ceylon Regiment.

Shipping Intelligence.

CALCUTTA ARRIVALS.

(None)

CALCUTTA DEPARTURES.

Date	Names of Vessels	Flags	Commanders	Destination
Sept. 9	Greenock	British	D. McLarty	Greenock
9	L'Eugene	French	J. S. Vaunderuy	Manilla & China

MADRAS ARRIVALS.

Date	Names of Vessels	Flags	Commanders	From Whence	Left
Aug. 20	Norfolk	British	E. Oakes	Coringa	July 29
21	Catharine	British	W. Knox	London	Apr. 23

MADRAS DEPARTURES.

Date	Names of Vessels	Flags	Commanders	Destination
Aug. 19	Bombay	British	G. Young	Port Jackson
21	Bacchus (H. M.)	British	J. P. Parkin	London

Nautical Notices.

The Catharine, Captain Knox, arrived at Madras on the 21st instant, having left the Downs on the 23d of April. Passengers, Mrs. Faskin; Mrs. Abdy; Miss A. Rose; Dr. Faskin; Captain Abdy; Lieutenant Biddell.

TO CORRESPONDENTS.

We beg to repeat, to those who honor us with their written Communications, that their writing being confined to one side of the paper, and being large and distinct, will materially lessen the risk of error, and greatly expedite the labour of the Printers.

Reply to the Satirist.

To the Editor of the Calcutta Journal.

SIR, I hope your impartiality will induce you to give immediate insertion to the following Reply to the Satirist in your Journal of Thursday, the 2nd instant.

I am, Sir, your's most faithfully,

Writers' Buildings,
Sept. 8, 1819.

Stand forth, thou Bard! without the wit to tease,
Without or Satire's or the Scribblers' ease
Without the art to make thy railing seem,
Ev'n dim refractions from a borrowed beam;
Slave of invective, serving of abuse,
Unblest with sense to guide or gild thy muse;
Thou dull despiser of a Puppy's name,
Yet first to feel the pangs of its shame:

Stand forth, high Satirist! to sight confest,
In all thy Mentor's pride and firmness drest.
Say, art thou one, with cravat o'er thy neck,
Knotted behind, that every fold may check
The languid circulation, till thy face
And Midas' ears assume a reddening grace;—
Till, o'er thy jaundiced cheek and bilious brow,
Thy soul half-wat'ry blood forget to flow?
With frill-less shirt, unbuttoned at the breast,
(There skin or flannel hideously confest,)
Thy vest and jacket curtaining each thigh,
And tightened small-clothes, seeming to the eye
As swaddlings that compress the mummy in,
And clasp o'er fleshless bones and shrivelled skin.

Say, art thou one, who sneaking to a room,
Canst stroke thy close-shorn skull, and wail thy
doom;
Steal to the neighbouring haven of a chair,
Yet writhe in worse than hell of torture there?—
Yes,—eavy every beau—each youth that free
In native ease—still unattained by thee,
Can wake his whispers to a loved-one's ear,
And breathe the murmurings that she sighs to
hear:—

Thou—looking,—lounging,—cursing at thy fate,
Thy sheepish dullness feasting into hate;
Till in some savage hour of bilious spleen,
Thou shed'st thy venom o'er our youthful scene.

Yet why at Dandies hurl thy heartless curse?
Tell me—thou sage of Satire,—are they worse
Than they, who years before in College pent,
Their bull-dogs pitted, and their thousands spent;
Who talked of hounds and horses every hour,
Some terrier's prowess—or some bull-pup's power?
With stable frocks—and more than groom-like
dress,

In speech half blackguard—nor in action less,
Drunk to reflection from mid-day to morn,
The natives' plunder—and Calcutta's scorn;
Shouting and slaving forth some loathsome lay,
To scare the angry scourge of thought away;—
Till cut by every Friend of worth or pride
They wallowed wilder, deeper in the tide
And left the Buildings, shameless of their illa,
The game of Bailiffs, and the prey of bills.

Pursue the picture (but conceal each name,
I court not favor by a lavished fame—)
Trace our late Heroes to Mofussil scene,
Think well of what they are—and might have been
There scouted by society,—apart,—
Without one friend to raise the sinking heart;
The fair one's pointed jest,—the matron's hate,
What shall uphold the falling of their fate?
To fly from care,—they seek a gulph beneath,
And hail expedients perilous as death,
Tempt a new scheme of shame,—untried before,—
Their house a *haram*—and its pride a —!—
But hush,—why trace the tale of Folly's fruit,
First Groom,—then Bully,—Drunkard,—now a
Brute!

'Tis not that Dandies and their dress I prize
The breech project, and Cossack width of thighs
The hair out-brushed,—and scantiness of waist,
The cravat tied uncreased, in stiffest taste;

Yet, even these are harmless, and the use
Fails not in their adoption, but abuse.

In all society,—each social scene,
That from the days of chivalry have been,
Are certain modes, and graceful cares bestowed,
To mark the gay and gentle from the crowd,
By these are emulative efforts led,
And men endeavour to be deem'd well-bred:
One while a Chesterfield stood forth to shew
A mirror, polished to the public view,
So spotless and so splendid it appeared,
Its ray was hallowed and its light revered!
But lo! beneath that dazzling splendour lay
A field of foulness shrinking from the day
And worlds in sorrow saw,—and wept their loss,
That what they deemed so bright,—was still but
dross!—

And yet this specious lustre waked some worth,
How oft it lured the softer virtues forth;
Led by its light, our gallants wooed the fair,
And sought by deeds of Love to win and wear;
It linked their hours with woman—and 'tis then
That brightness breaks upon the dreariest den;
For who could gaze on beauty—watch her grace,
Nor catch the virtues that we love to trace?

To other systems Chesterfield gave way,
And all were sanctioned—cherished in their day;
Yet oft would followers venture in th' extreme,
And wake to wrath the snarling censor's theme;
Often would puppies every rule exceed,
While greater puppies satirised the deed:
But each new fashion as it changeful came,
Still brought a sanctioned charm,—still urged its
claim,

And as a comet gleaming o'er the sky,
It left a dazzling train of light on high,
Shed wide its lustre o'er th' admiring scene
And all was brilliant where its blaze had been.
But Europe, long engaged in murderous war,
Deem'd not of Forms:—then Fashion fled afar
Or hid in bosom of e'er-smiling France,
Gave but to Gallia's sons her favoring glance.
But when the fight late still'd its angry cry,
And dove-like Peace outspread her wing on high;
Beneath the downy shelter that she gave,
The bark of Fashion ventured on the wave,
And lightly wafted to our Albion's shore.
She scatter'd forth the bounty that it bore,
Then Gallic pageants fluttered in our streets,
And Fashion's votaries smiled upon her seats;
To lighter modes each ancient form gave way,
And all were Dandies now, and all were gay;
While thus the reign of Dandyism rose,
Our fair its favorers—and our fools its foes!

To one dear goal youth's anxious efforts turn,
And fair the meed for which they ceaseless burn,
In one grand wish their fondest feelings join,
'Tis this, in worldly intercourse to shine,—
To merit fame and favor—be approved,
And pass in private life—admired—beloved;
Ere yet the public weal shall call them forth
To ponder thoughts and acts of ampler worth.—
If this their wish, why deem the Sage a liar,
Who said 'the art to please was it's desire.'
Why, as our Dandies yet have done no harm,
Peal in our ears thy tocsin of alarm?
Nay, why, because some rash Essayist's fail,
And, blind in heedless pride, o'erstep the pale,
Because a silly few mistake each rule,
And make a downright Dandy but a fool,
Why—o'er the whole, thy rod of vengeance shake,
And blast the buildings for a * * * 's sake!

But hold, good Satirist!—attention yield,
Thou bidst us fear the blows thy arm may wield;
"Blows hard to heal!"—Strike on,—but strike
with care.

Good Bard, in pity to thy bones —beware!
Oft have we seen some truant boy at play,
Steal to a barn to while his hours away.
He sees the Threshers toiling o'er the grain
And dreams his arm may wield, nor wield in vain
The pond'rous flail:—and poising it on high,
He proudly boasts his skill with kindling eye:
Then comes the fearful stroke—the blow is sped
It falls,—but where?—it breaks the boaster's head!

M.

Epi grammatic.

To the Editor of the Calcutta Journal.

SIR, I wish you could prevail on some of your great Linguists or Latinists, (I care not whether of the Old or the New School) to favor me with a translation of the following Epigram.

Yours,

Chowringhee, } NUGIPOLYLOQUIDES.
Sept. 11, 1819. }

In Casorevoros.

Rancidovermivori, viventeadaverilambæ
Lumbriocomedæ, putrilguriferæ,
Latrinifæthiomephitæcorolentes,
Oregrapedæ, gutturimerdotrahi,
Dicite, num vobis quæ putrimereliquescent
Caseus ambrosia est, neutæ nectar erit?

Or the following one by Daniel Huet.

(ANIGMATIQUES.)

Syrmatopullilotositrahus, doctorionummus,
Romulidistoricus, gloriolæcupida,
Loripedatqueathedritus, mentaureobarbus,
Patrididentinus, rufipiloscutis
Simychonariifluis, rubicundoculumdillippus,
Hireaxillolidus, rostrirepandibrosus,
Tringalerigerus, stimulaoriplatidecorus,
Franciscanicola, nugipolyloquides.

ON A RECENT IMPORTANT ARRIVAL.

'Tis said with Portmanteaus of Uniforms full,
From Hung'ry two Tailors are come, [Bull.
To wait on the Regent—"methinks," quoth John
"He might find hung'ry Tailors at home!"

ON THE SAME.

TO H. R. H. THE P. R.

Tailors from foreign parts a wiser lesson
Can teach a Prince, than how to put a dress on;
From them this art to learn, Sire, be not loth—
"To cut your coat according to your cloth!"

ON THE SAME.

Two Austrian Tailors brought by Esterhazy?
Let not such tidings, John, drive you crazy—
For in return the Prince will send, mayhap,
His CABINET OF TAILORS!—a fair swap.

THE BEGGAR'S PETITION.

Pity the sorrows of Exchequer Van, [door,
Whose want of means has brought him to your
Whose views are dwindled to the shortest span;
Oh! grant a Loan, and you'll increase your store.
These falling Funds my poverty has dried,
These Bank Committees my composure fret;
And all "the ways" my Jew-worn head has tried.
Have only been "the means" of adding debt,
Your House, erected 'mid its paper mound,
With tempting aspect drew me from my road;
For dabbling there a residence has found,
And gambling a magnificent abode.

Hard is the fate of the infirm and poor!
Here as I crav'd the parings of your cheese,
A young Financier sallied from the door, [ease.
And drove me, tottering, from my place, with
Oh! take me to your money making dome;
Keen blows the world against my shatter'd skull;
Soon is my passage to friends at home,
For I am poor, and miserably dull.

'Twas our misfortune, and no fault of mine,
That Debt has drown'd us in the depth of ill;
Heav'n sends misfortunes; why should we repine?
Directors! you have still your paper-mill.

Pity the sorrows of Exchequer Van, [door,
Whose want of means has brought him to your
Whose views are dwindled to the shortest span;
Oh! grant a Loan, and you'll increase your store.